

NEW HAMPSHIRE DEPARTMENT OF REVENUE ADMINISTRATION
REQUEST FOR COMMISSIONER REVIEW AND DETERMINATION
 CHARGE OF MISCONDUCT AGAINST DRA-CERTIFIED ASSESSING PERSONNEL
 ASB 307

THIS FORM MUST BE FILED WITHIN 180 DAYS OF THE ALLEGED MISCONDUCT

NOTICE The Commissioner of the Department of Revenue certifies individuals to make appraisals on behalf of municipalities for taxation purposes (RSA 21-J:14-f) and receives misconduct charges for violations of the standards contained in the Assessing Standards Board Administrative Rule Asb 307. The Commissioner has the authority to certify, impose disciplinary sanctions, suspend, or decertify a certified individual but does not have the authority to award damages or make decisions in civil matters. The Commissioner also does not have the authority to grant individual property tax abatements (RSA 76:16) or issue decisions in appeals (RSA 76:16-a and RSA 76:17).

STEP 1 **COMPLAINANT CONTACT INFORMATION** (see instructions on page 3)

COMPLAINANT CONTACT INFORMATION	FIRST NAME	LAST NAME			
	ADDRESS				
	ADDRESS				
	TOWN/CITY			STATE	ZIP CODE
	HOME PHONE NUMBER (Enter numbers only)		CELL PHONE NUMBER (Enter numbers only)		
	EMAIL ADDRESS				
	COMPLAINANT AFFILIATION				
	PUBLIC <input type="checkbox"/> MUNICIPALITY <input type="checkbox"/> STATE AGENCY <input type="checkbox"/> NHAAO <input type="checkbox"/>				
	IAAO <input type="checkbox"/> NHREAB <input type="checkbox"/> <input type="checkbox"/> OTHER (Describe) <input type="text"/>				

STEP 2 **RESPONDENT INFORMATION (A separate form shall be completed for each separate respondent)** (see instructions on page 3)

RESPONDENT INFORMATION	FIRST NAME	LAST NAME		
	RESPONDENT'S EMPLOYER OR COMPANY NAME			

STEP 3 **MISCONDUCT CHARGE INFORMATION** (see instructions on page 3)

MISCONDUCT CHARGE INFORMATION	DATE OF EVENT	MUNICIPALITY NAME		
	LOCATION OF EVENT	PROPERTY MAP/LOT NUMBER		
	INDICATE MISCONDUCT CHARGE(S) (see instructions on pages 3-4)			
DECEIT-FRAUD-BAD FAITH-UNSWORN FALSIFICATION <input type="checkbox"/> WORK PERFORMANCE <input type="checkbox"/> NEGLIGENCE <input type="checkbox"/> MISCONDUCT OR LAW/RULE VIOLATION <input type="checkbox"/> SALES CHASING <input type="checkbox"/> CONFIDENTIALITY <input type="checkbox"/> RIGHT TO KNOW <input type="checkbox"/> NON-REPORTING OF CRIMINAL CONVICTION, DECERTIFICATION/SUSPENSION <input type="checkbox"/>				

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INSTRUCTIONS

WHO SHOULD FILE

A complainant charging a DRA-certified person with misconduct shall complete and file a form provided by the DRA, "Request for Commissioner Review and Determination", or, in lieu of filing the form, a letter including all of the required information (Asb 307.01).

COMMISSIONER'S REVIEW AND DETERMINATION

The Commissioner of the Department of Revenue Administration certifies individuals to make appraisals on behalf of municipalities for taxation purposes (RSA 21-J:14-f).

"Commissioner's review and determination" means the DRA's process once the Commissioner receives a written request to investigate a charge of misconduct against a DRA-certified person (Asb 301.05).

Discipline imposed upon a DRA-certified person under Asb 308 shall be intended to be the minimum sanction or sanctions, both in type and extent, that the Commissioner believes will, based upon the unique facts and circumstances of each act of misconduct:

- (a) Protect the public; and
- (b) Deter both the DRA-certified person charged and any other DRA-certified person from engaging in such misconduct in the future.

New Hampshire law does not grant the Commissioner authority or jurisdiction over civil matters. The Commissioner's jurisdiction is limited. The Commissioner does not have the authority to award damages or make judicial determinations. To pursue these types of remedies, you should seek legal advice. The Commissioner does not have the authority to grant individual property tax abatements (RSA 76:16) or issue decisions in appeals of those (RSA 76:16-a and RSA 76:17). The Commissioner can only impose disciplinary sanctions, suspensions or decertification against a DRA-certified assessing person found to have violated New Hampshire laws or administrative rules.

FILING DATE

The completed form must be filed within 180 days of the alleged misconduct (Asb 307.01(a)).

WHERE TO FILE

In person at the DRA office located at Governor Hugh J. Gallen Office Park South:

ATTN: Director, Municipal and Property Division
 Department of Revenue Administration
 109 Pleasant Street
 Concord, NH 03302

or

By mail to:
 DIRECTOR, MUNICIPAL AND PROPERTY DIVISION
 NHDRA
 PO BOX 487
 CONCORD, NH 03302-0487

NEED HELP?

Call the DRA Municipal and Property Division at (603) 230-5950 M-F, 8:00 am - 4:30 pm and ask for the director of the Municipal and Property Division.

FORMS

To obtain forms, please call the Forms Line at (603) 230-5001, or visit the Department's website at www.revenue.nh.gov/forms/.

ADA COMPLIANCE

Individuals who need auxiliary aids for effective communications in programs and services of the New Hampshire Department of Revenue Administration are invited to make their needs and preferences known. Individuals with hearing or speech impairments may call TDD Access: Relay NH 1-800-735-2964.

STEP 1: COMPLAINANT CONTACT INFORMATION

"Complainant" means a person who has filed a written charge of misconduct (Asb 301.07).

Enter the first and last name of the complainant and their mailing address, phone numbers and email address.

Indicate the affiliation of the complainant. If the complainant is a member of the public and not affiliated with any municipality, agency or board, then check the box titled Public. If "Other" is chosen, specify the type of affiliation or association of the complainant. NHAAO is the New Hampshire Association of Assessing Officials. IAAO is the International Association of Assessing Officers. NHREAB is the New Hampshire Real Estate Appraiser Board.

STEP 2: RESPONDENT INFORMATION

"Respondent" means a DRA-certified person against whom a charge of misconduct has been filed (Asb 301.19).

Enter the first and last name of the DRA-Certified assessing personnel (Respondent) that is the subject of the alleged misconduct charge.

Enter the name of the respondent's employer. If the respondent is an employee of a town or city, enter the name of the municipality. If the respondent is a contract assessor, enter the name of the contracting assessing company.

STEP 3: MISCONDUCT CHARGE INFORMATION

Check the box(es) that most clearly describe the alleged misconduct.

"Deceit-fraud" means an intentional act to make a false impression of, or concealment of, a material fact when attempting to procure certification at any level (Asb 301.08).

"Misconduct" means (Asb 301.15):

- (a) A dereliction of duty;
- (b) An affirmative act of misrepresentation or concealment of a material fact;
- (c) Violation of assigned duties by malfeasance, misfeasance or nonfeasance; or
- (d) An act or failure to act when there is a duty to do so in reckless disregard of another's rights, committed voluntarily and intentionally.

"Types of Misconduct" (Asb 307.02). Charges of misconduct shall include:

- (a) The practice of deceit-fraud as defined in Asb 301.08, bad faith, or unsworn falsification in procuring, or attempting to procure, DRA certification, or recertification;
- (b) The allowance, by a person with DRA certification, of the performance of work by:

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- (1) An individual who is not DRA-certified; or
 (2) An individual where the work is above their certification level;
- (c) Negligent or willful acts performed in a manner inconsistent with the health or safety of persons under their supervision;
- (d) Violation of any applicable NH property assessing statutes, Asb 300 or Rev 600;
- (e) Suspension or decertification similar to one issued under RSA 21-J:14-b, I-a(a)(1)(C), in another jurisdiction, without reinstatement of certification;
- (f) Breaching a duty of confidentiality;
- (g) Conviction within the past 5 years or since last certification of a class A misdemeanor or a felony, and failure to notify DRA of the conviction;
- (h) Not notifying the DRA within 10 business days of suspension or decertification from:
- (1) Another jurisdiction similar to one issued under RSA 21-J;
- (2) The New Hampshire Association of Assessing Officials;
- (3) The International Association of Assessing Officers; or
- (4) The NH Real Estate Appraisal Board; and
- (i) Not including any information about suspensions or decertification similar to one issued under RSA 21-J prior to becoming DRA-certified.

“Sales Chasing” means the practice of knowingly changing an individual property assessment to or near to the recent selling price of that property thereby manipulating equalization ratio study results.

STEP 4: COMPLAINANT SIGNATURE

Sign and date the form. Print or type the signer's name. The signature is made under penalty of unsworn falsification pursuant to RSA 641:3. A copy of this complaint may be provided to the DRA-certified assessing personnel that the complaint has been submitted against.